

## **Video Recording Committee**

**June 30, 2006, 9:30-11:30 am**

**DHS Grand Tower Building, 235 S. Grand Avenue, Lansing  
Conference Room 15A**

### ***Meeting Minutes***

Members Present: Nancy Diehl, Eugene Moore, Darcy Komejan, Betty Ruud, Nancy Skula, Deborah Carley, Steve Yager, Bea Raymond (Rep. Sheen's office), Erin House (House Policy Office), and Colleen Duhm

Members Absent: Gloria Gillespie, Elias Escobedo, Jr., Kathryn Fehrman, Pamela Gilbert-O'Sullivan

#### **1. Review present statutes concerning video recording to determine if changes are needed**

##### **a. MCL 600.2163a**

- It was determined that there should be an increase in the penalty to persons who release a copy of the recorded interview. It was decided that (20) should be changed to a 1 year misdemeanor and a \$1,000 fine maximum.
- The ability to release a copy of the video recording to attorneys and judges in Friend of the Court cases was discussed. It was decided that this should be handled by individual counties in their protocols developed under Section 8 of the CPL. In these protocols, counties should also decide on storage and responsibilities and retention guidelines. Later it was discussed that Erin would work on where to put this into the law and the wording for the protective order that would be issued if they are released in these cases.
- The ability for the video recordings to be released for probation violation hearings and administrative hearings in child protection cases should be added. Under (6), points e. and f. should be added for these two situations.
- More specifics should be added to the protective order that is issued when a video recording is released to an attorney or others. It should include who it can see it, specific language forbidding the non-offending parent to



see it, and a timeframe for returning the recording. This should be updated in (8).

- Discussed releasing the tape for training issues but it was determined that this is in (9) and is well stated.

b. MCL 712A.17b

- It was determined that there should be an increase in the penalty to persons who release a copy of the recorded interview. It was decided that (19) should be changed to a 1 year misdemeanor and a \$1,000 fine maximum.
- The ability to release a copy of the video recording to attorneys and judges in Friend of the Court cases was discussed. It was decided that this should be handled by individual counties in their protocols developed under Section 8 of the CPL. In these protocols, counties should also decide on storage responsibilities and retention guidelines. Later it was discussed that Erin would work on where to put this into the law and the wording for the protective order that would be issued if they are released in these cases.
- The ability for the video recordings to be released for administrative hearings in child protection cases should be added. Under (2), point c. should be added for these hearings.
- More specifics should be added to the protective order that is issued when a video recording is released to an attorney or others. It should include who it can see it, specific language forbidding the non-offending parent to see it, and a timeframe for returning the recording. This should be updated in (7).
- Discussed releasing the tape for training issues but it was determined that this is in (8) and is well stated.

**2. Discuss proposed legislation concerning mandatory video recording-  
Substitute for HB 4038-Draft 1**

- Discussed where to start with mandatory recording requirements. It was decided that it should be in accredited or accredited eligible CACs. It was decided that no penalties for not recording will be put into the law because it would be a “natural” consequence when you have to explain to the court why it was not done.
- It was discussed that if this is put into the law, CACs will be asking for support and more funding. CACs possibly should be funded equally or should



receive some funding from DHS and Law Enforcement since they are doing part of their work for them.

**3. Other**

a. Issues to be discussed by a different committee

- The retention and storage of medical records of children examined at CACs.

b. Issues to be discussed to a later date

- Deciding on retention schedules and storage guidelines for the video recordings and how many copies should be made of each recording.
- Discussion regarding judicial training being done on video recording.
- Need more information, possibly presentation by state of Michigan vendors, regarding electronic recording and up-to-date recording equipment.

c. Other

- Erin mentioned that there is currently language in the budget to pay for maintenance of CACs. Could be used for interviewer training, maintenance of facilities and recording equipment, etc.
- It was discussed that CACs and agencies that will be viewing the recordings should have compatible and up-to-date equipment.

**4. Old business**

None

**5. New business**

None

**6. Next meeting date**

A meeting will be scheduled sometime in August. Steve and Erin will work on these updates. Draft copies will be emailed to the committee.